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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,729

04/21/2004

Laurent Frisch

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EXAMINER

JOHNSON, CARLTON

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

01/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/828,729

Applicant(s)

FRISCH ET AL.

Examiner

Carlton V. Johnson

Art Unit

2136

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-54.

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because: Response to Arguments

The amended claims will not be entered due to the fact that the scope of claims 2 - 15, 17, 19 - 24, 27, 28, 30 - 35, 38 - 41, 43, 45, 46, 48 - 54 has been changed. Claims 2 - 15, 17 now include the limitations of Claim 16. Claims 19 - 24 now include the limitations of Claim 25. Claims 27, 28, 30 - 35 now include the limitation of Claim 29. Claims 38 - 41, 43 now include the limitations of Claim 42. Claims 45, 46, 48 - 54 now include the limitations of Claim 47.

The Stringer prior art disclose the generation of a digital signature by a user. (see Stringer col. 4, lines 9-12; col. 4, lines 49-52: User A, User B generate digital signatures for content, and content is defined as documents and document services). In addition, the Stringer and Anderson prior art combination discloses a signature for an electronic document. (see Anderson paragraph [0058], lines 1-2: document signed; paragraph [0065], lines 1-4; paragraph [0075], lines 1-9: digital signature generated and checked, cryptographic key used for signature generation)

The Stringer prior art discloses the capability to electronic sign an electronic document, and the capability to delegate authority to another user. (see Stringer col. 1, lines 63-66: electronic documents processed; col. 5, lines 19-20; col. 5, lines 24-32; col. 1, lines 63-67: token, from first to second signatory, delegation to second signatory; col. 4, lines 9-12; col. 4, 49-52: signature generation; col. 2, lines 23-27: signed by first signatory; col. 5, lines 33-37: token associated with document)

There are several embodiments of the prior art whereby information indicating a particular path to a document or a document identifier is signed. But, the Stringer prior art also discloses signing a document. (see Stringer col. 4, lines 9-12; col. 4, 49-52; col. 10, lines 42-49: sign file (electronic document) content) The Stringer and Anderson prior art combination discloses where a document is electronically signed using a cryptographic key as per claim limitation. (see Anderson paragraph [0058], lines 1-2: document signed; paragraph [0065], lines 1-4; paragraph [0075], lines 1-9: digital signature generated and checked, cryptographic key used for signature generation)

The Stringer prior art discloses that the token is issued (generated and issued) by the document server. And, the document server determines whether the token is valid or not valid, not the user. (see Stringer col. 4, lines 53-54; col. 4, line 62 - col. 5, line 3: token issued by document server)

The Stringer prior art discloses request/response processing and the generation of a token for authority delegation. (see Stringer col. 2, lines 15-20; col. 2, lines 23-27: request; col. 5, lines 24-37: token, data depending on document)

Applicant has stated that this is an essential function of the claimed invention. The Stringer prior art discloses the capability to delegate the authority to sign a document to another individual. (see Stringer col. 5, lines 19-20; col. 5, lines 24-32; col. 1, lines 63-67: token, from first to second signatory, delegation to second signatory; col. 2, lines 23-27: signed by first signatory; col. 5, lines 33-37: token associated with document; col. 5, lines 24-29: signed by public key of to whom the token is directed (second signatory))


The rejection to each independent and dependent claim includes a citation from the referenced prior art that discloses the basis for the rejection. Each obviousness combination clearly indicates the claim limitation the combined reference prior art teaches. In addition, a cited passage from the referenced prior art clearly indicates the motivation for the obviousness combination. Each obviousness combination's disclosure is equivalent to Applicant's claimed limitation(s) within the claimed invention.

Achieved advantage is a valid motivation for the combination of referenced prior art. The combination of each referenced prior art combination states a motivation for the combination, which translates to an achieved advantage for the combination. All of the referenced prior art is in the same field of endeavor and a search by one skilled in the art would have returned the referenced prior art within the set of returned prior art.

The examiner has considered the applicant's remarks concerning a delegation token generated and transferred from a first signatory to a second signatory and associated with a document signed electronically by means of a cryptographic key of the second signatory. The delegation token, generated by a server in response to a request, contains delegation data signed electronically for the first signatory and including an identifier of the second signatory. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Stringer (6,971,017) and Anderson (20010018739) discloses the applicant's invention including disclosures in Remarks.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


1/28/08